

## REMARKS

### Claim Rejections - 35 USC § 103

Claim 6 - 12, and 17 - 25 are rejected under 35 U.S.C. 103(a) as being anticipated by the services of the company/website [www.worldwidetesting.com](http://www.worldwidetesting.com) - as described by the press releases from the company [worldwidetesting.com](http://www.worldwidetesting.com) dated June 22, 1999 and November 15, 1999, pages from the website [www.worldwidetesting.com](http://www.worldwidetesting.com) excised from "The Wayback Machine" ([web.archive.org](http://web.archive.org)) dated from January to April 2000, and the article "Producers, Third-party exchanges gear up for the online buy" (Reilly, Christopher. Dec. 16, 1999. Purchasing) - in view of official notice regarding the functionality of e-commerce enabled websites.

Worldwidetesting facilitates commerce for chemically-related needs in industry. The site contains industry-testing standards for most industrial nations and a database of materials and testing results [Web Pages]. Specifically, the website provides buyers and sellers secure access to laboratory sample and test data relating to products offered through trading exchanges and online catalogs [Web Pages]. Customers can log into online chemical exchanges or e-commerce enabled chemical purchasing sites and access information directly from [worldwidetesting](http://worldwidetesting.com) [PR 6/22/99]. For example, on a trading exchange, a buyer will see a listing for a specific product and next to that there's an icon that allows him/her to review [worldwidetesting](http://worldwidetesting.com)'s results of that product [Article]. Customers can review a test for a specific product or place a testing order for specific to their unique needs [PR 6/22/99] (chemical product data comprises starting point formulation where modifications can be made based on target characteristics input by user).

Worldwidetesting does not explicitly disclose the ability to process purchase orders for chemical products. Official notice is taken that it is widely known in the art that e-commerce enabled websites, chemical exchanges or otherwise, include secure purchase order and payment processing functionality. It would have been obvious to one skilled in the art at the time to modify the system of [worldwidetesting](http://worldwidetesting.com), which allows users to log into online chemical exchanges and search for product information using [worldwidetesting](http://worldwidetesting.com)'s databases, to further include secure purchasing functionality, as officially noticed, in order to fully benefit both buyers in sellers by creating a more informed satisfactory purchasing transaction.

The Examiner has rejected claims 6-12 and 17-25 "under 35 U.S.C. 103(a) as being anticipated ... [by the [worldwidetesting](http://worldwidetesting.com) reference and Official Notice of e-commerce web sites". It is assumed that the Examiner meant "obvious" rather than anticipated.

Claim 6 has been amended to incorporate the subject matter of claims 17-19. Claim 6, as amended, recites a chemical product commerce system that receives a purchase order comprising a request to purchase a product identified by the product identifier and target characteristics input by a user. Claim 6 further recites that the received request is used to obtain a starting point formulation from a database and, based on the target characteristics, the system modifies the starting point formulation associated with a

chemical product. The system can then process a purchase order whereby the purchaser purchases a chemical product formulated in accordance with said modified starting point formulation.

Nowhere does the cited prior art teach or suggest a chemical product commerce system in which a customer is able to purchase a product that is formulated in accordance with the modified starting point formulation as specifically recited by claim 6. It is readily acknowledged that web-based systems for the routine processing of purchase orders for fixed (i.e., pre-configured) items is known. Furthermore, it is acknowledged that prior art web-based systems exist whereby a product may be customized, to a limited extent, through the selection of pre-determined optional components. For example, it is understood that the Dell <sup>TM</sup> computer company web site allows a user to purchase a computer and “customize” that computer by addition of predetermined options (e.g., additional memory, a video monitor, a particular hard disk drive, etc.). However, the purchase of fixed-configuration items or items customized through the addition of pre-determined options to a base product not what is claimed in the present application.

What the claims of the present application recite is a system whereby a starting point chemical formulation is modified based on target characteristics input by the user to produce a modified chemical formulation and that modified chemical formulation is then used to formulate a chemical product being purchased by a customer. Nowhere does the prior art teach or suggest such a custom-modification of chemical formulations in a web-enabled purchase system. For at least this reason, the Examiner’s rejection under 35 USC § 103(a) is improper.

Furthermore, the Examiner’s “Official Notice” regarding e-commerce web sites is respectfully traversed. As set forth in the Manual of Patent Examining Procedure (MPEP), to establish a rejection based on a claim of obviousness, the Examiner must consider the “claimed invention as a whole” (MPEP 2141.02). In undertaking this consideration “Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well known”

(MPEP 2144.03(A)). The undersigned does not believe this standard can be met with respect to the present claims. If the Examiner continues to assert that systems for purchase of a product wherein a starting point formulation is modified based on target characteristics input by the user are well known, then the undersigned respectfully request that the Examiner produce authority supporting this position and that the Examiner produce objective evidence of a motivation to combine such authority with the disclosure of the www.worldwidetesting.com reference.

For at least the reason that the cited prior art references, along or in combination, fail to teach a system wherein a starting point formulation is modified based on target characteristics input by the user are well known, the Examiner's rejection of claim 6 and its dependent claims under 35 U.S.C. § 103(a) is improper and these claims are allowable over the cited prior art.

Claim 20 has been amended to incorporate the subject matter of its dependent claims 23-25. Claim 20 claims a method for processing a chemical product transaction in which a user can input target characteristics of a product, the target products are used to compute a modified starting point formulation, and the consumer is able to purchase a product that is formulated in accordance with the modified starting point formulation. As discussed in detail with respect to claim 6, above, nowhere does the cited prior art teach or suggest such a method. Consequently, the Examiner's rejection under 35 U.S.C. 103(a) is improper and claim 20, and its dependent claims 21-22, are allowable over the prior art of record.

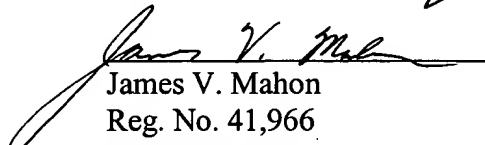
CONCLUSION

Claims 6-7, 9-12, and 20-22 are now pending and believed to be in condition for allowance. Applicant respectfully requests that all pending claims be allowed.

Please apply any credits or excess charges to our deposit account number 50-0521.

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Respectfully submitted, ✓

  
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